REMARKS

Claims 1-2, 4-8, 18-26, 28-29, and 31-42 were pending in this application. Claims 18-26, 28-29, and 31-34, 36, and 38-42 have been canceled without prejudice to the applicants' rights therein. Claims 1, 2, 4-8, 35, and 37 remain pending, stand rejected, and are at issue herein. Entry of this amendment, which places this application in condition for allowance and/or simplifies the issues for appeal without raising new issues, is respectfully solicited. Reconsideration of claims 1, 2, 4-8, 35, and 37 in view of the foregoing amendments and following remarks and indication of the allowability of all claims remaining pending in this application at an early date are respectfully solicited.

The Examiner has rejected claims 1, 18, 21, and 24 under 35 U.S.C. §103(a) as being unpatentable under Smith et al. (U.S. Patent No. 6,128,649) in view of ITU-T H.323 Centralized multipoint configuration/clarification, Northlich, B., Onlive Technologies, Inc., Feb. 1997 (Northlich hereinafter). The applicants respectfully submit that this ground of rejection is moot with regard to claims 18, 21, and 24 in view of their cancellation herein. Further, the applicants respectfully submit that this ground of rejection has been overcome with regard to claim 1 in view of the clarifying amendment thereto. Reconsideration of this ground of rejection and indication of the allowability of claim 1 at an early date in view of the following remarks are respectfully solicited.

As discussed in the applicants' previous response and as clarified by the amendment to claim 1, above, independent claim 1 requires, *inter alia*, that at least one of the transmitters includes a silence suppressor for removing the silences or background while continuing to transmit the useful information from the data streams of the audio signals transmitted by the said at least one transmitter. As recited in independent claim 1, the silence suppressor simply removes from the transmitted audio data stream the silences or background while allowing the useful audio data forming part of the data stream to continue to be transmitted by the transmitter. That is, the data stream is not shut-off or switched, but is merely transmitted with this useless data removed therefrom.

Unlike the system of claim 1 that continues to transmit the useful data from the audio data stream while filtering out the silences or background from that stream, Smith et al. '649,

column 9, lines 5-9, actually <u>removes</u> the identified streams from the audio transmission by closing that audio channel. Specifically, Smith et al. '649 states that the thread removes display streams corresponding to silent audio channels in column 9, lines 34-36, lines 40-43; column 10, lines 19-22, lines 25-27, etc. That is, the system of Smith et al. '649 removes the entire data stream from one of the conference participants from the audio channel if that conference participant is currently silent (when a violation of one of the outlining constraints described in Smith et al. '649 occurs). Smith et al. '649 does not filter an individual audio data stream to remove the silences or background therefrom, but instead closes the entire audio channel. Such action results in the loss of both useful and non-useful data when the channel that is closed is for a "least active" participant.

Unlike the system of Smith et al. '649 which removes the entire data stream by closing the audio channel, independent claim 1 does not remove the data stream of a conference participant. Instead, the data stream from the conference participant is allowed to continue to be transmitted, albeit with silences or background data removed from the data stream. However, the data streams of the audio signals are continued to be transmitted with this silence or background data simply being removed to conserve bandwidth. The system of Smith et al. '649 does not remove such extraneous data from the data stream, but instead entirely switches the data stream from one participant to another when one of its constraints has been violated. This complete removal of a silent data stream is completely foreign to the requirements of independent claim 1.

This lack of teaching or suggestion of this required element is not remedied by the combination with Northlich, which does not address any such silence or background filtering to conserve bandwidth. As such, the applicants respectfully submit that independent claim 1, and those claims dependent thereon, are not rendered obvious by a combination of Smith et al. '649 with Northlich. Reconsideration of this ground of rejection and indication of the allowability of claims 1-8 are therefore respectfully solicited.

In addition to the reasons stated above, independent claim 1 also requires, *inter alia*, the inclusion of a demultiplexer for dynamically selecting a subset of the set of data streams. However, the streams received by the system of Smith et al. '649 are individual streams originating from the network, and therefore, there does not appear to be any stream needing to be

demultiplexed whatsoever. As such, the applicants respectfully submit that one skilled in the art would not look to the teachings of Northlich when provided with the system of Smith et al. '649 as there are no multiplexed streams for which a demultiplexer would be useful. Indeed, it appears that the only motivation for such comes from the applicants' own disclosure, the usage of which is precluded as constituting hindsight reconstruction.

Indeed, modifying the system of Smith et al. '649 to utilize a single multiplexed stream of data that then needs to be demultiplexed based on SSRC and payload type changes the principal of operation of Smith et al. '649. Smith et al., '649 currently relies upon a selection policy and a dynamic selection controller to provide selection requests to the network so that the network may transmit individual selected media streams to the user. Such modification of the principal of operation is specifically precluded by MPEP §2143.01. As such, the applicants respectfully submit that independent claim 1, and those claims dependent thereon, are not rendered obvious in view of this proposed combination of references. Reconsideration of independent claim 1, and those claims dependent thereon, in view of the foregoing are therefore respectfully solicited.

In response to this argument presented in more detail in the previous response, the Examiner appeared to equate "selecting one of the streams" for display with the dynamic selection of a subset of the set of data streams performed by the demultiplexer. However, in Smith et al. '649 each of the streams are transmitted individually, and therefore there is no need for a demultiplexer whatsoever. Indeed, centralized switching of a large number of inputs to a lesser number of outputs as described by Smith et al. '649 would be considered to be multiplexing of the signals, not demultiplexing. In demultiplexing, a single input is dissolved into its constituent subsets, and each separate subset is then sent to its appropriate receiver payload handler module. This is completely foreign to the teachings of Smith et al. '649.

The system of Smith et al. '649 does not receive an individual modulated data stream that needs to be processed by a demultiplexer. Instead, the system of Smith et al. '649 receives a number of individual data streams, each of which are received by a D/T stream reception processing module. With such a topology, one skilled in the art would not be motivated to utilize a demultiplexer, let alone a demultiplexer that operates based on SSRC and payload type. As such, the only suggestion for such an addition would be from the applicants' own disclosure, the use of which would constitute hindsight reconstruction and is therefore precluded.

Therefore, the applicants respectfully request reconsideration of all grounds of rejection of all of the claims remaining pending in this application as each ground of rejection relies, at least in part, on this combination of references.

The Examiner has rejected claims 2, 4-8, 19-20, 22-23, 25-26, 28-29, and 31-42 under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Northlich, and further in view of H.323 ITU-T: Audiovisual and multimedia systems (H.323 hereinafter). The applicants respectfully submit that this ground of rejection is moot with regard to claims 19-20, 22-23, 25-26, 28-29, and 31-34, 36, and 38-42 in view of the cancellation thereof. The applicants also respectfully submit that this ground of rejection has been overcome with regard to claims 2, 4-8, 35, and 37 in view of the clarifying amendments to claim 1 from which these claims depend. Reconsideration of this ground of rejection in view of the foregoing amendments and following remarks and indication of the allowability of claims 2, 4-8, 35, and 37 are respectfully solicited.

The applicants wish to respectfully reiterate their traversal of the combination of Smith in view of Northlich discussed above. The applicants respectfully submit that this traversal is sufficient standing alone to warrant an indication of allowance of all claims 2, 4-8, 35, and 37 as this proposed combination forms the basis for the rejection thereof. Therefore, reconsideration of this ground of rejection and indication of the allowability of claims 2, 4-8, 35, and 37 are respectfully solicited.

In addition to the above traversal of the combination of Smith and Northlich, the applicants' also respectfully traverse the additional combination of H.323. Specifically, the Examiner's statement of suggestion or motivation is conclusory in nature, stating that one would "have to look at pertinent art directed to the processing of audio/video data in a conferencing environment" and that "Audio Codecs particularly of G.711 and G.723, are known as standard." However, the mere fact that the H.323 reference is in the same field of art and that G.711 and G.723 are known standards are not sufficient to support the Examiner's conclusory statement that one skilled in the art would be motivated to make such a combination to "enhance the capabilities of the conference system enabling participants of different capabilities to communicate." Further, the Examiner's "Official Notice" that a mixer is old and well known in the art also cannot support such a combination of references or the rejection of claim 5. The Examiner merely stated that the motivation of using such a mixer "would be to render a

composite audio signal to the user." However, as discussed above, the system of Smith et al. '649 utilizes individual inputs to individual D/T stream (reception) processing modules. Therefore, the applicant's respectfully submit that one skilled in the art would not be motivated to utilize a mixer as such would change the principal of operation of Smith et al. '649 which requires individual D/T stream (reception) processing modules for receiving "a stream" from the network connection.

In view of the above, the applicant's respectfully submit that claims 2, 4-8, 35, and 37 are not rendered obvious as the proposed combination of references cannot be supported as required by the MPEP in Federal Circuit case law, and is therefore improper. Reconsideration and allowance of these claims are therefore respectfully solicited.

In view of the above, the applicant's respectfully submit that claims 1, 2, 4-8, 35, and 37 are in condition for allowance. Reconsideration of these claims and indication of their allowability at an early date in view of the foregoing remarks at an early date are respectfully solicited.

If the Examiner believes that a telephonic conversation will aid in the resolution of any issues not resolved herein, the Examiner is invited to contact the applicant's attorney at the telephone number listed below.

Respectfully submitted,

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